

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

HEARING REQUESTED

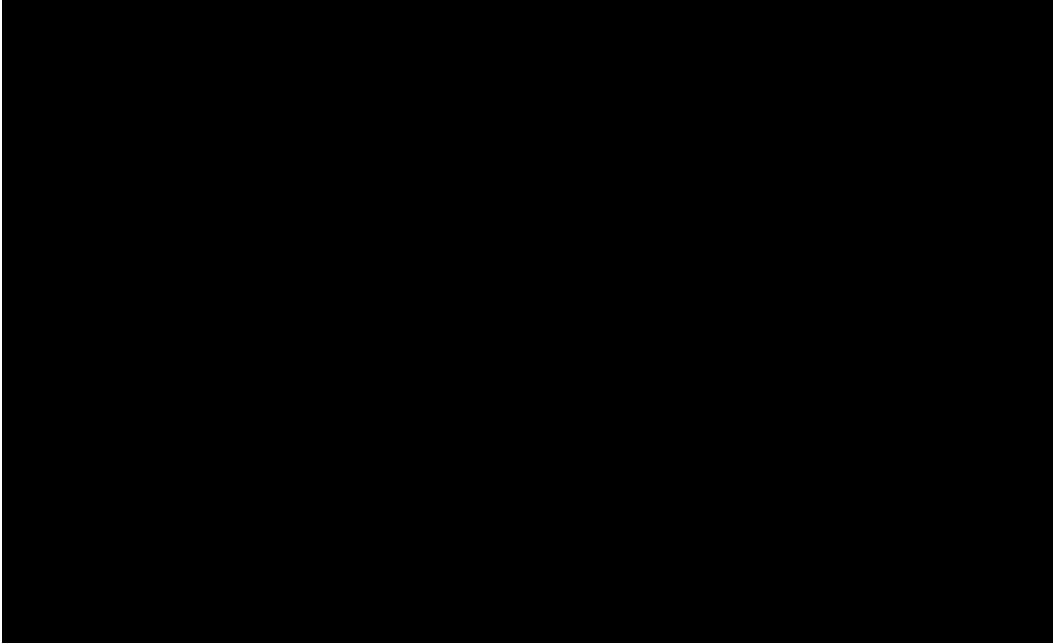
DEFENDANTS' MOTION FOR AN ORDER TO SHOW CAUSE

Pursuant to 28 U.S.C. § 1927 and the Court's inherent authority, Defendants NASCAR and James France (collectively "Defendants"), by and through their undersigned counsel of record, move for the Court to issue an Order to Show Cause why 23XI Racing and Front Row Motorsports, Inc. (collectively "Plaintiffs") and their counsel should not be sanctioned for making false statements in December 2024 declarations and manufacturing evidence that they submitted to the Court in support of Plaintiffs' Second Motion for a Preliminary Injunction. NASCAR also asks

the Court to strike portions of Jerry Freeze's errata sheet. NASCAR offers the following in support of this Motion:

1. Rod Moskowitz is a sports agent for Denny Hamlin, Bubba Wallace, and Cory Heim. [REDACTED]
[REDACTED]
[REDACTED].
2. [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]. [REDACTED]
[REDACTED]
3. These emails were submitted to the Court in support of Plaintiffs' Second Motion for a Preliminary Injunction. Docs. 52, 52-6, 52-15, 52-16.
4. Mr. Lauletta is the President of 23XI. Doc. 67-2 ¶ 1.
5. Mr. Lauletta submitted a declaration to the Court on December 12, 2024 that said [REDACTED]
[REDACTED]
[REDACTED] Doc. 67-2 ¶ 4.
6. Mr. Lauletta's declaration omitted that [REDACTED]
[REDACTED]
[REDACTED]. Mr. Lauletta's statement that "██████████" was false.
7. Bob Jenkins is the owner of Plaintiff Front Row. Doc. 52-1 ¶ 1.

8. On November 21, 2024, Mr. Jenkins called [REDACTED]
[REDACTED]
[REDACTED]” Ex. 4, FRM_0075792.
9. On November 22, 2024, [REDACTED] wrote Front Row an email regarding its “[REDACTED]” which Plaintiffs submitted to the Court in support of Plaintiffs’ Second Motion for a Preliminary Injunction. Doc. 52-9.
10. Mr. Freeze is the General Manager of Plaintiff Front Row. Doc. 67-1 ¶ 1.
11. On December 12, 2024, Plaintiffs submitted a declaration to the Court signed by Mr. Freeze stating that “[REDACTED]
[REDACTED]” Doc. 67-1 ¶ 20.
12. NASCAR deposed Mr. Freeze on May 20, 2025. During this deposition, documents were introduced and testimony was elicited that prove that Front Row [REDACTED]. Mr. Freeze admitted that “[REDACTED]
[REDACTED]” to his earlier testimony that he was “[REDACTED]
[REDACTED]” Ex. 8, J. Freeze Tr. 83:18-25.
13. The transcript of Mr. Freeze’s deposition was provided to the parties on May 21, 2025.
14. On June 9, 2025, Defendants sent Plaintiffs a letter expressing their concerns about the evidence that came to light during Mr. Freeze’s deposition and Plaintiffs’ apparent efforts to mislead the Court. Ex. 15, June 9, 2025 Ltr. to Plaintiffs.
15. On June 16, 2025, Plaintiffs responded to Defendants’ letter, denying any misrepresentation. Ex. 16, June 16, 2025 Ltr. to NASCAR.

16. On July 21, 2025, Plaintiffs' counsel submitted an errata sheet that seeks to substantively modify and/or contradict Mr. Freeze's sworn testimony. Ex. 7, J. Freeze Errata. Below are a few examples of those substantive changes:
- 

17. On July 25, 2025, NASCAR sent Plaintiffs' counsel a letter asking that they remove certain challenged revisions from Mr. Freeze's errata sheet by Tuesday, July 29, 2025. Ex. 18, July 25, 2025 Ltr. to Plaintiffs.
18. Plaintiffs delayed weeks providing an amended errata until the day of this Motion. *See* Ex. 19, J. Freeze Errata (Aug. 8, 2025). The amendment, however, retains improper "Clarifications."
19. Counsel for NASCAR certifies pursuant to LCvR 7.1(b) they have in good faith conferred with Plaintiffs' counsel before filing this Motion. Plaintiffs' counsel opposes NASCAR's Motion.
20. In support of its Motion for an Order to Show Cause, NASCAR respectfully submits the accompanying memorandum of law.

Dated: August 8, 2025

Respectfully submitted,

By: /s/ Christopher S. Yates
Christopher S. Yates*
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
chris.yates@lw.com

Lawrence E. Buterman*
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
lawrence.buterman@lw.com

Anna M. Rathbun*
David L. Johnson*
Christopher J. Brown*
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
anna.rathbun@lw.com
david.johnson@lw.com
chris.brown@lw.com

Tricia Wilson Magee (N.C. Bar No. 31875)
**SHUMAKER, LOOP, & KENDRICK,
LLP**
101 S Tryon Street, Suite 2200
Charlotte, NC 28280
Telephone: (704) 945-2911
Facsimile: (704) 332-1197
tmagee@shumaker.com

*Admitted *pro hac vice*

*Counsel for Defendants and Counter-
Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION AND MEMORANDUM IN SUPPORT OF NASCAR'S MOTION FOR ORDER TO SHOW CAUSE** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

Danielle T. Williams
WINSTON & STRAWN LLP
300 South Tryon Street
16th Floor
Charlotte, NC 28202
dwilliams@winston.com

Jeffrey L. Kessler
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
jkessler@winston.com

Jeanifer Parsigian
Michael Toomey
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111
jparsigian@winston.com
mtoomey@winston.com

Matthew DalSanto
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
mdalsanto@winston.com

*Counsel for Plaintiffs and Counterclaim
Defendants 23XI Racing, Front Row
Motorsports Inc., and Curtis Polk*

This the 8th day of August, 2025.

/s/ Christopher S. Yates